10 DEFINITIONS

10.1. Definitions and Glossary

- 10.1.1 <u>Intent.</u> For the purposes of this Regulation certain words and terms used herein as defied. All words in the Regulation shall be first defined as provided herein, and, if not defined herein, shall be defined in the Gallatin County Growth Policy and, if not defined therein, shall have their customary dictionary definitions.
- 10.1.2 The Rules of Interpretation. The following rules of interpretation and definitions apply to the definitions for the Gallatin County Model District. The Rules of Interpretation include: (1) the present tense includes the future tense; and (2) all words in the plural number include the singular number unless the natural construction of the wording indicates otherwise; (3) the word 'shall' is always mandatory; (4) the word 'person' includes a firm, association, organization, partnership, trust, company or corporation as well as the individual.

-A-

Accessory Structure. A subordinate structure, or portion of the principal structure, located on the same lot as the principal building, which is customarily incidental to the principal structure. When part of an accessory structure is connected to a part of the principal structure by a common wall, such accessory structure shall be counted as part of the principal structure. Individual public utility installations aboveground are considered accessory buildings.

Accessory Use. A subordinate use of land which is customarily incidental to the principal use of the land.

Agriculture. The use of the land for grazing or cropping to produce food, feed, and fiber commodities. Examples include, but are not limited to: cultivation and tillage of the soil; dairying and animal husbandry; growing and harvesting of agricultural and horticultural commodities; and the raising of livestock, bees or poultry; as well as post-harvest activities such as include uses such as farm stands and the sale of goods grown or produced as part of the agricultural operation. Does not include uses such as game farms, fur farms, animal hospitals, commercial dog kennels, horse stables, riding arenas, animal feeding operations or similar uses.

Agricultural Water User Facility. Agricultural water user facilities and other facilities that convey water for agriculture, stock, domestic, fish and wildlife, industrial, irrigation, mining, municipal, power, recreation, aquifer recharge or mitigation, and all ther beneficial uses set forth in Section 85-2-101, *et seq.*, MCA. These facilities include, but are not limited to, ditches, canals, pipelines, flumes, wells, infiltration galleries, diversion structures, headgates, pumps, blowoffs, swales, and associated infrastructure. This term is intended to include a "watercourse" as defined in these regulations or any man-made structure the primary purpose of which is to convey stormwater.

- <u>Agricultural Structures, Exempt</u>. All agricultural structures used exclusively for agricultural purposes on qualified agricultural lands.
- Amusement and Recreation Facilities. Commercial facilities include, but are not limited to, arenas, rings, rinks, and racetracks; arcades, amusement parks; amusement and bathing beaches; campgrounds; swimming pools; riding academies; paintball facilities; carnival operations; bowling alleys and pool halls; and horse shows.
- **Apartment**. A habitable room or suite of two or more habitable rooms meeting the requirements of the International Building Code, located in an apartment building or used for residential purposes in nonresidential districts, as specified. Efficiency units and studios qualify as an apartment.
- **Apartment Building.** A building other than a hotel or motel containing five or more dwelling units.
- <u>Arts and Entertainment Center.</u> A structure or facility for the presentation of the performing arts, including indoor motion picture theaters; dance halls; theaters for live performances; indoor concert halls; studios for arts education, such as dance or painting.
- -B-
- **Bar**. An establishment with a license issued pursuant to Title 16, chapter 4, MCA, that is devoted to serving alcoholic beverages for consumption by guests or patrons on the premises and in which the serving of food is only incidental to the service of alcoholic beverages or gambling operations, including but not limited to taverns, night clubs, cocktail lounges, and casinos.
- **Boarding (Rooming or Lodging) House.** A residential structure that provides lodging with or without meals, is available for permanent or seasonal occupancy, and which makes no provisions for cooking in any of the rooms occupied by paying guests.
- **<u>Bed and Breakfast Inn.</u>** A dwelling unit serving guests on a nightly basis, used as the primary residence of the owner; and serving meals to overnight guests only.
- **Building Height**. Building height is measured from the lowest point of the finished grade to the highest structural point of the roof.

 i.
- -C-
- <u>Caretaker's Residence.</u> Dwelling unit for a person who takes care of the property. Caretaker residences may be located within a single-family dwelling unit, above a garage, within or above an accessory building, or as a separate living unit on a parcel with an existing dwelling unit.

- <u>Campground</u>. Land which is used or intended to be used, let, or rented for temporary occupancy by campers traveling by automobile or otherwise, or for occupancy by tents or similar quarters.
- <u>Communication Tower.</u> An unstaffed facility for the transmission or reception of radio frequency (RF), microwave, cell tower, or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure, and one or more antennae. It excludes amateur radios, Essential Services (Type I), satellite earth stations, and private receive-only antennae, such as for the reception of television signals.
- <u>Community Centers.</u> A building, or portion of a building, or use of land, used for non-profit cultural, educational, recreational, or social activities which is open to the public or a designated part of the public, usually owned and operated by a public or non-profit group or agency. Including, but not limited to, Boys and Girls Clubs, Cultural Centers, and similar uses. Does not include schools, churches, fraternities, lodges, or similar uses.
- **Condominium.** The ownership of single units with common elements.
- **Conforming Use.** Any use allowed by the regulations as a permitted use or conditional use.
- <u>Covenant.</u> A recorded agreement stating certain activities and/or practices that are required or prohibited. Subdivision covenants are not enforced by the Gallatin County Planning Department.
- -D-
- **Day Care Center.** A place in which supplemental care is provided for 13 or more nonresident persons on a regular basis and which is licensed by the State of Montana.
- <u>Day Care Home, Family.</u> A private residence in which supplemental care is provided to three to six nonresident persons from separate families on a regular basis and which is registered by the State of Montana.
- **Day Care Home, Group.** A private residence in which supplemental care is provided for seven to 12 nonresident persons on a regular basis and which is registered by the State of Montana.
- <u>Density</u>, <u>Base</u>. The maximum number of dwelling units permitted outright by a particular land-use classification.
- **Density, Bonus.** The granting of the allowance of additional density in a development in exchange for the provision by the developer of other desirable amentias from a public perspective such as open space.
- <u>Density, Gross.</u> A calculation that divides the total residential units by the total area to be developed, excluding nothing.

- <u>Development</u>. Any man-made change to improve or alter real estate, including but not limited to subdivision of land, buildings, or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.
- **<u>Development Right</u>**. The right to develop property in accordance with applicable regulations.
- <u>**Dwelling.**</u> A structure or portion thereof providing permanent cooking, eating, sleeping and living facilities exclusively for human habitation.
- <u>Dwelling, Accessory.</u> A dwelling, subordinate to the principal dwelling, and which may be attached or detached from the principal dwelling, that provides separate and a complete living facilities which may further defined as a caretaker's residence, agricultural employee housing, guest house, or efficiency apartment, and which may be rented.
- -E-
- **Equestrian Facility, Commercial.** Commercial facilities that may include barns, stables, arenas, corrals, and paddocks for equine (horse, donkey, and mules) operations including: horse ranches, boarding stables, riding schools, equine exhibitions facilities and arenas accessory to the facility use.
- **Emergency Services.** A building or use, often supported by government funds, to be used in an emergency service capacity. Examples include police, fire, and ambulance stations.
- Essential Services, Type I. Uses including, but not limited to, water pumping stations; stormwater drainage facilities (including collection lines, retention/detention ponds, and drainage ways); sanitary sewer and storm sewer lift stations; local service telephone lines and cables; local service electrical and gas distribution lines and cables; local service cable television lines; local service electronic data transmission lines and cables; local service gas transmission lines and cables; water and sanitary sewer distribution and collection lines; public and amateur radio antennae and towers; public treatment facilities (water, sanitary sewer and storm sewer); public domestic water storage facilities; water fill stations for firefighting equipment; telephone exchanges and repeater stations (not including cell towers); fire and police stations.
- Essential Services, Type II. Uses including, but not limited to, transport gas, oil, and coal pipelines (interstate and intrastate), electric substations; electrical transmission lines (interstate and intrastate); and public supply facilities (electric and gas).
- **Existing Use.** The use of a lot or structure at the time of the adoption of a zoning regulation.
- **Extended Care (Nursing and Residential Care).** A facility or a distinct part of a facility such as a nursing home, infirmary unit of a home for the aged, or a governmental medical facilities, licensed or otherwise approved to provide healthcare under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority.

-F-

<u>Farm Produce Stand.</u> A temporary structure on the premises for the sale of locally grown produce.

<u>Financial Institutions and Services.</u> Uses including, but not limited to, banks and savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, and mortgage companies.

Frontage. The side of the lot abutting on a street; the front lot line.

Fireworks Stand. A temporary structure on the premises for the seasonal sale of fireworks.

-G-

<u>Gambling Establishments</u>. An establishment whose primary use or activity is gambling, either in the form of gambling machines (video poker, keno, etc.), card games, or other licensed gambling activity. A casino will normally have beverage and restaurant facilities as ancillary uses. In all instances, an establishment will be considered a gambling establishment if anyof the following characteristics apply:

- 1. The establishment is referenced as a gambling establishment or casinor by signage or by name;
- 2. More than one card table is on the premises;
- 3. Fifteen or more gambling machines are on the premises; or
- 4. The predominent source of income is from gambling revenue.

Generally, an establishment will not be considered a gambling establishment when the premise contains no live card games and the gambling devices are clearly incidental to the primary use of the establishment.

<u>Grade</u>. (1) The lowest elevation of the land around a structure; (2) the percent of rise or decent of a sloping surface.

<u>Guest House</u>. An attached or detached accessory structure used to house guests of the occupants of the principal structure, and which is never rented or offered for rent.

-H-

Health and Exercise Services. An establishment equipped for the conduct of sports, exercise activities and other customary and usual recreational activities, including tennis, racquetball, handball or squash courts, martial arts, gymnastics, weight and aerobic exercise rooms, running facilities, swimming pools, and whirlpool/sauna facilities. Permitted accessory uses shall include, but are not limited to, child care, tanning booths, massage, health and nutrition services, retail sales of sporting goods, and restaurant services.

- Home-Based Business. A Home-Based Business is operated by a person residing within the dwelling, with three or less employees working on-site or 10 or less employees if the work conducted by the Home-Based Business takes place off-site. Uses include, but are not limited to, contracting businesses; service businesses; offices; music, art, or other schools instruction; individual artist studios and galleries.
- <u>Home Occupation</u>. A Home Occupation is operated by a person residing within the dwelling where activities are wholly contained within the principal building and/or an accessory structure. Uses include, but are not limited to, professional services such as accountant, physician, real estate agent; individual artist studios and galleries, handcraft studio, music studio, or similar studio uses; a tailor; repair of furniture and small appliances; tutoring; and counseling primarily for individual persons.
- <u>Hotel.</u> A facility offering transient lodging accommodations to the general public and which may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

-J-

<u>Junk and Salvage Yard</u>. Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or sorted.

-K-

Kennel, Animal. A commercial establishment, in which domesticated animals are housed, groomed, bred, temporarily boarded, shown, trained, or sold, all for a fee or compensation. It does not include zoos, animal hospitals operated by licensed veterinarians, or accessory animal husbandry uses to qualified agricultural operations.

-L-

- <u>Laboratory and Research Facilities.</u> A facility for conducting investigation in the natural, physical, technological, or social sciences, including, but not limited to, engineering, technological, and product development.
- <u>Landscape Plan.</u> A component of a development plan which may show: proposed landscape species (such as number, spacing, size at time of planting, and planting details); proposals for protection and irrigation of existing vegetation during and after construction; proposed treatment of hard soft surfaces; proposed decorative features; grade changes; buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the approving authority.

<u>Lighting</u>, <u>Direct</u>. Illumination resulting from light emitted directly from the light source.

- <u>Lighting</u>, <u>Fully Shielded</u>. (Also referred to as cutoff-type lighting) Any outdoor light fixture shielded in such a manner that all light emitted by the fixture (directly or indirectly) is projected below a horizontal plane running through the lowest point of the fixture where light is emitted.
- **<u>Lighting, Indirect.</u>** Direct light that has been reflected or has scattered off other surfaces.
- <u>Lighting, Outdoor</u>. The illumination of an outdoor area or object by a man-made device, permanently installed or portable, that produces light used for illumination, decoration, security, or advertisement.
- **<u>Lighting, Partially Shielded.</u>** Any light fixture shielded in such a manner that the bottom edge of the shield is below the plane of the center line of the lamp reducing light above the horizontal.
- <u>Lodges and Clubs.</u> The use of structures and/or land for social, educational, and recreational purposes, to which membership is required for participation. Does not include granting individuals permission to hunt or fish on private property; dose not include outfitting operations; does not include shooting ranges.
- **Lot.** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

-M-

- <u>Manufacturing, Light.</u> The manufacture, predominantly from previously-prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packagin, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
- Manufacturing, Heavy. The basic processing and manufacturing of materials or products predominatly from extracted or raw materials, or a use engaged in storage of, or manufacturing processess using flammable or explosive material, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
- <u>Mixed Use Development.</u> The development of a tract of land or structure with a variety of complimentary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.
- Mobile Home. A transportable, manufactured structure, suitable for year-round single-family household occupancy and having water, electrical and sewage connections similar to those of conventional dwellings. This definition applies to only units constructed prior to Federal Manufacturing Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.
- Mobile Home Park. A tract of land providing two or more mobile home lots for lease or rent to

the general public.

<u>Motel.</u> An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without necessity of passing through the main lobby.

-N-

- **Non-Conforming Parcel.** A parcel, the area, dimensions or location of which was lawful prior to the adoption, revision, or amendment of a zoning regulation but fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning regulation.
- **Non-Conforming Sign.** Any sign lawfully existing on the effective date of a regulation, or amendment thereto, that renders such a sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended regulation.
- <u>Non-Conforming Structure</u>. A structure, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning regulation but fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning regulation.
- Non-Conforming Use. A use or activity that was lawful prior to the adoption, revision or amendment of a zoning regulation but fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning regulation.
- <u>Nuisance.</u> Anything that is indecent or offensive to the senses as defined by Section 27-30-101, MCA.
- <u>Nursing and Residential Care Facilities</u>. An extended or intermediate care facility licensed or approved to provide full time, convalescent, or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmary, are unable to care for themselves.

-O-

- Offices. Buildings or portions of buildings in which commercial activities take place but where goods are not produced, sold, or repaired. Including, but not limited to, general and professional offices; governmental offices; insurance offices; real estate offices, travel agencies; utility offices; and radio and TV broadcasting offices.
- Opencut Operation (AKA Gravel Mine) means and includes the following activities, if they are conducted for the primary purpose of sale or utilization of materials, (a) removing the overburden and mining directly from the exposed natural deposits or mining directly from natural deposits of materials; (b) mine site preparation, including access; (c) processing of materials within the area that is to be mined or contiguous to the area that is to be mined or the access road; (d) transportation of materials on areas referred to the aforementioned; (e) storing or stockpiling of materials on areas referred to in (a) through (c); (g) reclamation of affected land; and any other associated surface or subsurface activity conducted on areas referred to in (a) through(c).

- <u>Open Space</u>. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment or owners, occupants, or their guests of land adjoining or neighboring such open space.
- Ordinary High Water Mark. The outermost line caused by water impressing on land and covering it for sufficient periods to cause physical characteristics that distinguish the area below the line from the area above it. Characteristics of the area below the line include, when appropriate, but are not limited to, deprivation of the soil of substantially all terrestrial vegetation and destruction of its agricultural vegetative value. A floodplain adjacent to surface waters is not considered to lie within the surface water's high water marks.

-P-

- **Parcel.** A contiguous lot or tract of land owned and recorded as a property of the same persons or controlled by a single entity.
- <u>Parcel of Record.</u> An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's office.
- <u>Park.</u> Any public or private area of land, with or without structures, for the purpose of passive and active recreational uses.
- **Parking.** Space reserved for the parking of motor vehicles.
- <u>Parking, Off-Street.</u> A temporary storage for a motor vehicle in a space located off any public right-of-way with room to exit either side of vehicle, and with adequate maneuvering space and access to public roads.
- **Parking Area.** An area, other than a street or alley designated for use, or used, for temporary parking of vehicles.
- **Principal Use.** A use or structure which determines the predominate or major use of the lot on which it is located. The principal use shall be that use which establishes the character of the property relative to surrounding or adjacent properties. Also, A use which is specifically listed as a permitted use for a district and which meets the intent of the district without additional conditions or special review and approval being required
- <u>Property Owner's Association (Home Owner's Association).</u> An association incorporated or not incorporated, combining individual property ownership with shared use or ownership of common property or facilities, or shared maintenance of subdivision or community facilities; also referred to as a Home Owner's Association, HOA). This definition includes condominium associations.

<u>Public/Quasi-Public Uses.</u> A building or use, often supported by government funds, to be used in an official capacity on behalf of the public. Including, but not limited to, structures with various civic uses such as libraries, meeting rooms, post offices, trade schools and other academic institutions, both public and private.

-R-

Recreational Vehicle Park. A place renting space to park individual camping trailers, pickup campers, motor homes, travel trailers, or automobiles for transient dwelling purposes.

Religious Organizations and Places of Worship. A structure, or group of structures, that by design and construction are primarily intended for conducting organized religious services and associated uses. May be referred to as a church, synagogue, temple, mosque, or other name as the facility that is used for prayer by persons of similar belief.

Repair. Any repair not defined as "light goods repair". Includes automobile repair.

Repair, Light Goods. Uses primarily engaged in repair services, including, but not limited to, the repair of appliances, shoes or other clothing, watches and jewelry, instruments, office equipment, or electronics. Does not include automotive, boat, and similar intensive repair use types.

Residential. Non-commercial single- or multi-family dwellings; uses; or district designation.

- **Residential Facility, Commercial.** A residential structure, or portion thereof, licensed to provide contracted room and board, personnel care, habilitation services and activities, and supervision in a family setting for not more than six persons unrelated to the owner.
- **<u>Restaurant.</u>** An establishment where food and drink are prepared, served, and consumed primarily within the principal building.
- **Retail.** Businesses engaged in selling or renting goods or merchandise to the general public and rendering services incidental to the sale of such goods, where the total area utilized by a single tenant, including area used for the display of goods for sale (including outdoor display) but exclusive of employee parking, occupies less than 40,000 square feet.
- **Retail, Large Scale.** Businesses engaged in selling or renting goods or merchandise to the general public, and rendering services incidental to the sale of such goods, where the total area utilized by a single tenant, including area used for the display of goods for sale (including outdoor display) but exclusive or employee parking, occupies 40,000 square feet or more.
- **Riding Stables.** A commercial stable where horses are boarded and may be rented for trail rides, pack rides, etc. May include riding lessons and horse training, and incidental sales of equestrian supplies. Does not include riding arenas where events open to the public are staged.

- **Runoff.** The portion of rainfall, melted snow, irrigation water, and any other liquids that flows across ground surface (and eventually is returned to streams).
- -S-
- **School.** Any structure or part thereof, which is designed, constructed, or used for education or instruction in any branch of knowledge.
- **Screening**. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.
- <u>Services, Personal and Business</u>. Businesses offering services such as barbershops, beauty shops, tailors, shoe repair, pet grooming, laundromats, laundry and dry cleaning, pickup and delivery stations, photocopying services, office product repair services, catering services, and similar uses. Production of finished goods may occur as an activity accessory to the delivery of services.
- <u>Shared Access.</u> A fixed automotive and pedestrian access location from a street to two or more adjoining properties which have the right mutually and ability to use the access, and which have been established by an easement or other legally binding means.
- <u>Sign.</u> Any device, fixture, placard, or structure that uses form, graphic, illumination, symbol, or writing to advertise, announce the purpose of a person or entity or to communicate information of any kind to the public.
- <u>Sign, Animated or Moving.</u> Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.
- **Sign, Face.** The area or display surface used for the message.
- **Sign, Flashing.** Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.
- **Sign, Freestanding**. Any non-movable sign not affixed to a building.
- <u>Sign, Off-Premises or Billboard.</u> A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
- <u>Sign, Temporary.</u> A sign or advertising display constructed of cloth, canvas, plywood, or other light material and designed or intended to be displayed for a short period of time.
- **Sign Area.** The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

Special Events Facilities. Facilities that are privately owned, commercial operated, and available for temporary, intermittent rental. Including, but not limited to, any indoor facility, either independent or in conjunction with an outdoor area, used exclusively for temporary assembly of people attending events such as: entertainment (musical, performance theatre), and ceremony (wedding, group reception). Also includes outdoor events occuring for a fixed period including, but not limited to, flea markets, fireworks displays, and riding arenas. The uses shall not include overnight accommodation.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

<u>Subdivision</u>. The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other division of land for sale, development, or lease, subject to the provisions of the Montana Subdivision and Platting Act.

<u>Substantial Damage</u>. Damage sustained by a structure where the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred as determined by Gallatin County's last equalized assessment roll.

<u>Substantial Improvement</u>. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement; or before the damage occurs. It does not include alterations for listing on National Register of Historic Places or State Inventory of Historic Places; or to comply with existing local health and safety sanitary codes to assure safe living conditions.

-T-

<u>Traffic Impact Study.</u> A report analyzing anticipated roadway conditions with and without an applicant's development.

<u>Transfer of Development Rights (TDR).</u> The removal of the right to develop or build, expressed in dwelling units per gross acre, from land dwhere such transfer is permitted.

Trees, Large Canopy.

Trees, Non-Canopy.

Trees, Small.

-U-

<u>Unit.</u> A residential lot, a commercial lot, a condominium, a townhouse, an individual recreational vehicle parking site or a manufactured home lot.

<u>Use.</u> Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied for any activity, occupation, business, or

operation carried on or intended to be carried on in a building or other structure or on a tract of land.

<u>Use, Temporary.</u> A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

-V-

<u>Variance.</u> A provision which allows modification to a regulation or waiver of the general development and building standards when a literal enforcement would result in unnecessary or undue hardship and the granting of the variance is not contrary to the public's health, safety, and general welfare.

Vested Right. A right that cannot be changed or altered by changes in regulation.

<u>Violation.</u> The failure of a structure, subdivision, use of land, or other development to be fully compliant with the governing regulations.

-W-

Warehousing. An enclosed building designed and used primarily for the storage of goods and materials. Includes self-storage (mini-warehousing) and outdoor storage of RV/boats/trailers not for sale.

<u>Watercourse.</u> Any natural stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and has a definite channel, bed, and banks, and includes any area adjacent thereto subject to inundation by reason of overflow. The term watercourse shall not be construed to mean any facility created exclusively for the conveyance of irrigation water.

<u>Wetlands</u>. Wetlands are transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this classification, wetlands must have one or more of the following three attributes (note that this includes both isolated wetlands and wetlands categorized as Waters of the U.S.):

- i. At least periodically, the land supports predominantly hydrophytes;
- ii. The substrate is predominantly undrained hydric soil; or
- *iii*. The substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of the year.

-Z-

Zoning Enforcement Agent. The duly authorized agent appointed by the Planning and Zoning Commission for the purpose of administering and enforcing this Regulation.

Zoning Map. The map or maps that are a part of the zoning regulations and delineate the boundaries of the zone districts.